

ORIGINATOR

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Prgo:(4)  
6/21/00  
w/IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GAIL GALLOWAY, : CIVIL NO.: 1:00-CV-00649

Plaintiff :  
v. : (MJ: J. Andrew Smyser) ✓  
: (J: Sylvia H. Rambo)

PENNSYLVANIA BOARD OF :  
PROBATION AND PAROLE, :  
et al. :  
Defendants. :  
:

MOTION TO DISMISS

Defendant, William W. Caldwell, by and through his undersigned counsel, hereby moves this Court to dismiss the plaintiff's complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. A brief in support of this motion will be filed within the time period permitted by the local rules.

FILED  
HARRISBURG, PA  
JUN 20 2000  
MARY E. D'ANNA, CLERK  
Per \_\_\_\_\_  
Deputy Clerk

Respectfully submitted,

DAVID M. BARASCH  
United States Attorney

By:

*Anne K. Fiorenza*

ANNE K. FIORENZA  
Assistant United States Attorney  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

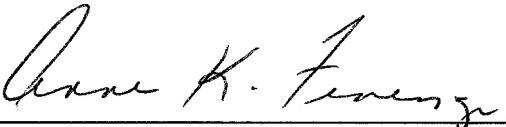
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PROBATION AND PAROLE, :  
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Defendants. :

CERTIFICATE OF CONCURRENCE

I, Anne K. Fiorenza, hereby certify that I contacted counsel for other defendants in this matter as follows:

Peter McManamon, Esq., counsel for Robert B. Stewart, III, was unavailable;

Francis Filipi, counsel for the remaining defendants, with the exception of Charles Giornesto, concurs in this motion. I have not contacted Ms. Galloway or Mr. Giornesto who are unrepresented by counsel.

  
\_\_\_\_\_  
ANNE K. FIORENZA

Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

On this 20th day of June, 2000, she served a copy of the foregoing document by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania to:

Peter McManamon  
200 Penn Street  
PO Box 383  
Huntingdon, PA 16652

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Office of Attorney General  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

Gail Galloway  
RD 1 Box 30  
Petersburg, PA 16669

*Rebecca A Plesic*

REBECCA A. PLESIC  
Legal Secretary